

AN
ACQUITTANCE
OR
DISCHARGE

FROM
D^r E.H. his Demand of a Fifth Part
of the Rectory of *Br. in Barks.*

PLEADED
As in a Court of Equity and Conscience.

By JOHN LBY Preacher of the Word of God there.

And now Published.

- A S.
1. *Part of an Apologie for him against the Doctors
Defamations of him at Oxford, and elsewhere.*
 2. *As a Preparative to further Contestation with him
about other Differences betwixt them.*

The Contents whereof follow next after the Epistle Dedicatory.

LUK. 10. 7.

The Labourer is worthy of his hire.

J. A. M. 5. 4.

*Behold, the hire of your Labourers which have reaped down your
fields: which is of you kept back by fraud, crieth: and the cries
of them which have reaped, are entered into the ears of the Lord
of Sabbath.*

I S A. 61. 8.

I hate Robbery for burnt Offering.

London, Printed for E. Brewster at the Crane in Pauls Church-yard, 1655.

DISCHARGE

1941

TO THE
RIGHT HONOURABLE

my very good Lord

Colonel Charles Fleetwood
Lord Deputy of IRELAND.

Right Honourable,

THough, in an Answer to two injurious Petitions, put up the last year to the Parliament (that then was) against all set and certain Maintenance of Ministers, I borrowed the Name of *Theophilus Philadelphus*, because I was unwilling to own the many misprisions of the Printer, I made bold to acknowledge You* by your Name, as my Patron and Protector then, when I knew you by none other Title, then a Member of Parliament, and as such an one (happy it had been for this Nation, if all had been such) you acted (on my behalf) according to the uprightness of your heart, and equity of my cause, to bring mine adversary to better terms than

* For the military men, I can say somewhat upon mine own certain knowledge: as the Committee for Plundered Ministers, I found more favour from one Colonel (whose name I then knew not, viz. Colonel Fleetwood now Commander in chief over Ireland, and I thought he had not known me) then from any, yea or from all the rest (one ancient friend excepted) though at that time they met in an extraordinary number. So in the Epistle to the Ministers before the Answer to the Petitions in the last leaf but one.

The Epistle Dedicatory.

otherwise I could have hoped for. And when the Committee for Plundered Ministers to make me some amends for my precedent sufferings (whereof I can tell a true and a strange Story, and it may be shall doe, when a fitter opportunity inviteth me to it) sent me to officiate as Minister of *Brightwell*, and assigned unto me the Rights and Emoluments of the Rectory sequestred from Dr. *H.* you were pleased to write a very respective Letter to the Governour of *Wallingford*, Mr. *Arthur Evelyn* for his assistance and favour to me, as my just occasions should have need of it: and for your sake I found him so ready to do me not only all Right, but so many courtesies besides; that I must humbly beseech your Honour, to thank him for me: and since we were well acquainted, I found him for mine own sake, the best Neighbour that ever I enjoyed, and by his removal from these parts (upon the sleighting of *Wallingford-Castle*) not onely my self, but ail that are rightly principled, and sincerely affected to the best Reformation of Religion and Government, are

Dr. *Owen* Dean of *Christ-Church*.
Dr. *Stanton* President of *Corpus-Christi*-
Colledge.

Dr. *Wilkins* Warden of *Wadham* Colledge.

Dr. *Langley* Master of *Pembroke-Colledge*.

Dr. *Wilkinson* Principal of *Magdalen-Hall*.

Dr. *Onslow* Rect. of *Exeter*.

Mr. *Cornish* Prebendary of *Christ-Church*,
with others of eminent note for learning
and godliness in that University.

apprehensive of a very great losse:
for he liberally and chearfully entertained
a choice number of Preachers
from *Oxford*, who (by turns)
contributed their pains to a weekly
Lecture at *Wallingford*, and hath
managed both his military Authority,
and the Office of a Justice of
Peace, with such constant Pru-

dence and Impartiality, as made him both a great Comfort and Encouragement to the Good, and as great a Terrour and disheartning to the wicked: which I the rather now profess in publick, because I cannot (notwithstanding

The Epistle Dedicatory.

standing the discontinuance of intercourse betwixt us) either forget, or not gratefully remember, the many friendly and affectionate Offices I have received from him, *and have not* any other, or not any better way (at present) for that purpose, then this occasion of thankful acknowledgement of your Lordships favour (immediate by your self, and mediate by him) hath ministred unto me, which I conceive you will not take for an unpleasant impertinency, or digression: because I have good reason to believe, that as he much honours you, so you have a good esteem of him as worthy (for his Abilities and Fidelity) to be accepted under the relation, and with the affection and confidence of a Friend. And for my self, as by the Divine Providence, and your own Goodness, I found you a gracious Advocate in my cause, when I knew you not, so now I do know you, I shall not doubt of your propitious Patronage in this, which now I humbly present to your equitable Cognizance and Consideration, and shall endeavour by my heartiest Devotions to Almighty God for your Honour, to make a supply for the unwilling defects and failings of more real returns, which if my Means were answerable to your Merit, or mine own minde, would certainly be made by

Your Honours deeply obliged,

*Brighwell in Berks,
O^{ct}. 17. 1654.*

and sincerely devoted Servant

John Ley.



To the Honourable
Humphrey Mackworth Esquire,
ONE OF THE
Council of his Highness the Lord PROTECTOR.

Honourable Sir,



of the
Difference

Though you were not at leisure (when I waited on you about the beginning of May last) to receive a true and full Information betwixt D.H. and me: I was not dismissed from you, with such discouragement, that I should not have hope of a better opportunity, both for Audience and Acceptance of any just motion, I had to make unto you: which (at that time) was, that you would be pleased, to cast your eye upon those Papers, then Manuscripts, which now I humbly offer in Print to your Perusal. They are the same in substance which then I shewed to my Reverend Brethren M.T.G. and M.T.P. two worthy Ministers of your County, and both before and since (viz. the last Act at Oxford) to my highly honoured Friend, D. P. F. Prebendary of Christ-Church: which I note as a circumstance of time, to clear me from all suspicion of, or spirit of Presumption or contradiction, against the Proviso of the late Ordinance of his Highness the Lord Protector, and you of his Council of the 29. of Aug.

The Epistle Dedicatory.

August. 1654. in the behalf of the outed Ministers Wife and Children: For I could not then divide what your Wisdomes would Order or Ordain for that particular.

For the Ordinance it self, entirely taken, it is the Judgement of many wise and godly men, that it will much promote the Reformation of corrupt manners (which from scandalous Ministers, like a pestilent contagion, have spread abroad among the people, as the Prophet complained of old, From the Prophets of Hierusalem is prophaneesse gone into all the Land, Jer. 23. 15.) and it will prove the more effectual to that purpose, because it is committed to their execution, whose Zeal will not cool into carelesse Negligence, or partial connivance: that was it which made the Government of the City of Geneva, to be so much commended (even by Bodine a Papist) to which he applieth the saying of ^a Seneca, It is a ridiculous thing (saith he) there to be good onely by ordaining righteous things, their manner is, to be practically as well as legally just, as strict in execution, as wise in constitution of good Laws, thence it is that those excesses, which no where else are duly punished, are there restrained; so that no whoredome, no drunkenesse, no dancings, no beggars, no idle persons, are to be found in that City.

And for that Proviso (of the fifth Part) his Highnesse, and you of his Council had to induce you to it,
 1. An Ordinance of Parliament. 2. Examples of Practice in several Committees answerable to it. 3. An opinion

^a Ridiculum est ad legem esse bonum, ita sicut qua legibus nusquam vindicatur, illis i. Genex coercantur ab iis censoribus, qui summam virtutis opinionem, de seipsis excitarunt. Igitur nulla meretricia, nullæ ebriitates, nullæ saltationes, nulli mendici, nulli otiosi, in ea civitate reperiuntur. Bodin. Method. hist. c. 6. p. 246.

The Epistle Dedicatory.

nion of Charity as the ground of both: which I humbly conceive, might make you lesse willing to debate the Point, and more ready to passe it, then otherwise you would have been, if it had been (as a new thing) to be cast into the mould of your own judgements. The lesse cause is there for such as suffer by it, to be offended at the Ordinance (as it is yours) and the lesse offence I hope will be taken at the reasons or deprecations of the pressure of it (by those who feel it heavy upon them) as it is theirs, who have urged it to their prejudice: requiring a fifth part for the Wife and Children of the offending Party, but awarding nothing for him nor his, who offended not, when he is (without any Pretence of insufficiency or miscarriage) put out by the Patron, upon the death of the former Incumbent, which if it should be ratified (as a Law of the Medes and Persians, without any alteration, Daniel 6. 8.) may not sinne seem to have a perpetuall priviledge, which to innocence shall never be permitted.

But I am perswaded better things of you, for I am confident, you never thought to make any of your Ordinances (in such matters to be received (as the Pope obtrudeth his Dictates) for infallible Decrees: Nor did our Bishops (though some of later time were forward enough, to take too much upon them) assume any such Authority, to the Canons of their Synods, as if they could not erre: for they all subscribed, to the 21th Article of the 39. Articles made in the year 1562. not onely of the Fallibilitie of Generall Councils, but of their actuall failing in things pertaining unto God.

Nor can I fear from you or any of your Honourable
rank,

The Epistle Dedicatory.

rank, the tart entertainment of Amos by Amaziah, for being too bold at Bethel, Amos 7. 13. in presenting my Conceptions to your Cognizance (though as yet it may be somewhat different from some of yours, who sit and act in so high a Sphere) since you are not more eminent for Dignity or Authority, then for the Profession of the purest kinde and degree of Reformed Religion, which if it be sincere (and I dare not think otherwise) is founded in Humility, and Humility will dispose you so receive (without disdain) any considerable Advertisment, though from a Servant: You have read it said of Job, by God Himself, That he had not his like for Goodnesse in the Earth, Job 2. 3. and for Greatnesse, he was the greatest of all the men of the East, Job 1. 3. and yet was he so low in his own Eyes, that he did not despise the Cause of his man-servant, or maid-servant, when they contended with him, Job 31. 13. And of Moses, as well the worthiest as the meekest man that was upon the face of the Earth, Numbers 12. 3. (for he was Captain Generall under the Lord of Hosts, and over his own peculiar People, a miraculous Deliverer of them out of the hand of a most Potent and Obstinate Tyrant) that he slighted not the Counsell of
^b Jethro, Exodus 18. though in Gifts, in Graces, in all Authority, Divine and Humane, Ecclesiasticall and Civill, by many degrees inferiour to him.

^b Jethro was a Priest of Midian, rather then a Prince (though the Original word be taken sometimes for a Prince or chief Ruler, because his Daughters were so meanly imployed, and so little respected by the Shepherds, Exod. 2. 16.

I have been thus farre drawn on in an ingenuous freedom of Speech unto you (Worthy Sir) by the Remem-

The Epistle Dedicatory.

brance of my first Acquaintance with you (many years ago) occasioned by that rarely Religious Gentlewoman, then my gracious Parish-quer, and since your worthily and singularly beloved Take-fellow: who was not more Honoured for her Piety, by the Godly, then loved for her Charity and Humility, by all that knew Her: in which Graces my conceit hath hitherto been, that you were best suitably and happily matched.

But now it may be it will not become me to look so farre backward (to what is past) but rather to look upward to what you are at present, by your high Prebeminence: and from you, and for you, I must raise my thoughts farre above you, even as high as God himself, blessing him for you, and for your Honourable Colleagues (though principally for his Highnesse the Lord Protector) in that you have all concurred in a pious as well as a charitable Providence, for the Ministers certain and comfortable Maintenance (for you considered them as by Office the Servants of God, so by Nature, Nation, and Religion, Brethren to your selves) manifested many wayes, particularly by the Instrument of Government of ^c December 16th, 1653. and the Ordinances of ^a August 29. and September 2. both of the year current, 1654. which we cannot but account not onely as a gracious Beneficence of yours unto us, but as a mercifull Deliverance of us, out of their hands, who think us worthy of no better churishing (for the best Service we can do to God or man,) then such as Ahab appointed for Micaiah, Put this fellow in prison, and feed him with the bread of Affliction, and with the water of Affliction, 1 Kings 22. 27. whose principles

The Epistle Dedicatory

ples since we know them to be such as are as repugnant to the Right and Propriety of Obedient Authority as to the Right and Propriety of Sacred Ministrations, we shall hold it our Duty by all warrantable wayes of opposition, (within the compasse of our Faculty and Function) to appear and act against them, as well for your sakes, as for our own; I speak in the Plurall Number (though in my present Addresse I be alone) because I am well assured that the most, and worthiest of my Brethren of the Ministry (with whom I have conversed) are wholly of my minde, in this matter: Though our Conditions in some respects be so different, as may put some of us to Petition to your Honours, for an Additionall or Supplementall Ordinance or Declaration, that may succour us against injury, and secure us against misery, which (without our own faults) may befall us, if by a seasonable, and sufficient Remedy from your Wisdome, Power and Goodnesse, they be not prevented. Mine own present case, may be an Instance in one particular; which I have here drawn up with more Care and Scruple, lest I should offend against Truth and Conscience, in the least point, then desire to obtain any self end, or worldly interest of mine own: as having my most intensive Thoughts set upon mine Account, and Hope of a better World, whither I can have now but a very short Journey, mine Age being already arrived at Davids period * Psalm 90. 10. Yet, while I am here, I shall heartily pray, That God will both personally direct and assist you, in all your Consultations and Resolves for the Publique Welfare of Church

* The dayes of our years are threescore and ten.

The Epistle Dedicatory.

and State, and graciously Requite all your good Offices, to his House and House-hold, and shall faithfully professe, and seriously endeavour to approve my self,

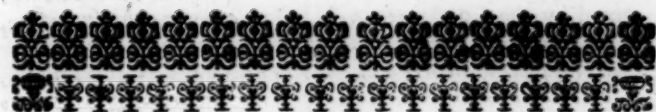
Your Honours

Brightwell in Berks
O^{ct} 17. 1654.

humble and faithfull Servants

JOHN LEY.

THE



TO THE UNPREJUDICED READER.

READER,

IF such a one as I wish and stile thee, I shall not doubt to be believed by thee, in that I now seriously professe (as in his presence, who doth must exactly discern the difference betwixt pretences and intentions) 1. That in the penning of these reasons against the payment of a fifth part of Sequestred Benefices, it is so farre from my thoughts to preclude any just way of succour or sustenance, to any that Want (much lesse would I do it to the Wives and Children of Ministers (though contrary minded to me) that I wish them a better means of Maintenance then that is like to be in most places. 2. That I have so much desire to rectifie the error (both in opinion and praetice) about it, and to relieve my Brethren (the Incumbent Preachers) oppressed by it; that, if it did not concern my self at all, I should be willing to act and appear on their behalf, as in the former part of this Treatise, I have done. 3. That (but for the common Interest of the Reformed Ministry) I had never made a publick Busines of the particular passages, betwixt D^r H and me, though he have been too openly injurious against me, to suffer me to be silent toward him, or to make my defence in a meer private manner; nor would I (but for this occasional inducement) clear my self in print, from a greater change, which he hath laid against me (as much greater, as the whole exceeds a fifth part) for he hath often said it to my face (more often I doubt not behinde my back,) and once he gave it me under his hand in a Letter,

Charge

To the Reader.

That I snatched his Benefice out of his hand, before he was outed by the Committee at R. If he can prove this suggestion, I give it under my hand, that not a fifth Part only, but the other four (so farre as lieth in me) shall be all his again: for that done, I will give up all to him, if he can procure the repossesion of it to himself. But in disproof thereof, I averre, and shall (if occasion require) confirm what I say upon Oath.

First, That I never (to my best remembrance) heard of him, or of his Benefice, untill he was named by the Committee of R.) and some means was made for it to the Committee for Plundered Ministers at Westminster, by Mr T.G. a learned and godly Minister (then of R. and well acquainted with all the proceedings against the Doctor for a friend of his) who received answer from him (who best knew the minde of the Committee) that it was the meaning of the chiefest of them, to reserve it for me, and from him I had the first news of the vacancy of the Church of Br. and of that kinde intention towards me: whereupon Mr G. desisted from all further sollicitation for his friend, and offered his best assistance to me, for mine accommodation upon acceptance of the place, which he performed accordingly.

Secondly, When the Committee had made their Order, for mine Admission to it, I came not to take Possession of it, though I were within a dayes journey from Br. untill about a month after.

Thirdly, And when I did come, I did not require any hasty removal of him, or his household, but gave him as long a time as he desired, for their continuance there: which was from October 13th 1649. untill April 1. 1650. reserving not so much as one chamber for my self, though I began my Residence and Ministry, with my first coming thither, and went on with it, without any thing but labour and charge for almost a whole year.

Fourthly, From October 13. to April 1. he (being yet in Possession, which (as the Proverb hath it is an eleven Points of the Law) had time enough to have settled himself where he was, if he could have done it, and he used all the means he could, to have the Order against himself, and for me reversed (without any opposition at all from me) and when he was out of all hope of prevailing

To the Reader.

vailing, he wrote to me, That he would give me possession of the house, as he had done of the Church, and in his Letter professed, That (since himself might not be permitted to hold the living) he was contented I should have it before any other man. *This I have yet to shew under his own hand.*

For other things which he hath said, or can say against me, I shall care the lesse, because

1. I am confidently and chearfully conscious of mine own innocance, and clearnesse from any charge of injustice that he can take up against me.

2. I believe it lieth not in the power of his tongue or pen, to lessen my estimation, in the Judgement of those good men, with whom I am best acquainted, nor with any good man at all, to whom both he and I are thoroughly known: though it may be some who were mine intimate Familiars, before our late troublesome Mutations, and after long intermission of mutual entercourse (whereby they may not know how farre, nor upon what grounds, I have been constant or changeable with the vicissitude of affairs and times) may (haply) be as credulous as mine adversary is clamorous against me: for there are some men whose passionate prejudices, will admit of no pause to take in any true intelligence against mis-information: and it is no marvel, if such do sacrifice not only common charity, but special friendship, to diversity of opinion and partiality of interest: from which (whether levity or iniquity) I hope my practice shall always prove my disposition, to keep a just and religious distance.

3. For such as know me not (if they be wise) they will not lend too open an ear, to the accusations of an open mouthed adversary, since they may very well think it is more like that (out of envy, because I possesse what he hath lost) his ill will would not suffer him to say well, then that I, out of avarice or any other corrupt motive, should do so ill, as he suggesteth; and if they be not wise, their folly must be allowed the priviledge of a patient permission, and of free pardon.

4. That which I have now published, as it will (I trust) give full satisfaction to the particulars objected, so it will be an earnest of the like satisfactory returns to other Objections.

To the Reader.

*jellious (if the Doctor have any) to bring in against me.
But*

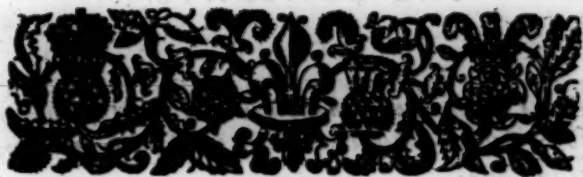
*5. That on which (as upon a rock of surest refuge) I set
up my rest is, the precept and promise of the Lord by the
Psalmist, Commit thy way unto the Lord, trust also unto
him, and he shall bring it to passe; and he shall bring forth
thy righteousness as the light, and thy judgement as the noon-
day. Psal. 37. 5, 6.*

*I blesse his Name (for it) he hath given me grace to obey
the Precept, and faith likewise to believe, I shall receive the Pro-
mise: and if his Providence make use of thy wisdom and goodnesse
(good Reader) to such a purpose, it will engage me the more affe-
ctionately to remain*

Thine in all Christian Observance

*Brightwell in Berks
[Octob. 17. 1634.*

JOHN LEY.



THE CONTENTS.



General Reasons against the Paiment of a fifth Part.

SECT. I.

Some Cautions and Distinctions premised, before the Reasons, p.1.

SECT. II.

The first Reason, taken from the Necessity of Ministerial Service, in the Sequestred Benefice, and from the Parity of the Ministers Case with others, on whom no Paiment of a fifth Part is imposed. p.4

SECT. III.

The second Reason taken from the Preheminence of that Authority (which appointed us to be Incumbents) above that of private Patrons. 5

THE CONTENTS.

SECT. IV.

The third Reason taken from the manner of our Admission into the Pastoral Charges of the outed Ministers compared with theirs. 6

SECT. V.

The fourth Reason taken from the Aphorism of our Saviour, The Labourer is worthy of his hire, Luke 10. 7. 7

SECT. VI.

The fifth Reason taken from a comparison of the condition of the Wife and Children, of the outed Minister, when he is alive, and when he is dead. 8

SECT. VII.

The sixth Reason taken from the ill Use our Adversaries make of the Allowance of the fifth Part. 9

SECT. VIII.

The seventh Reason taken from the Oppression of the Labouring Ministers, by payment of a fifth Part, with Objections against them, and Answers for them. 10

Particu.

THE CONTENTS.

**Particular Reasons against the paiment of a fifth Part to
D^r E. H.**

SECT. I.

Reasons against Doctor H. his claim of a fifth Part, in Particular of the Rect. of Br. 15

SECT. II.

Reasons why I should not pay a fifth Part to the Doctor, 18

SECT. III.

The Doctors claim of my promise to pay him a fifth Part answered, 23

General

THE COMPACT

Particulars of the Compact of 1850
B. A. W.

SECT. I.

Section I. of the Compact of 1850
relates to the 10th Art. of the
U. S. Constitution.

SECT. II.

Section II. of the Compact of 1850
relates to the 11th Art. of the
U. S. Constitution.

SECT. III.

Section III. of the Compact of 1850
relates to the 12th Art. of the
U. S. Constitution.

Section IV. of the Compact of 1850
relates to the 13th Art. of the
U. S. Constitution.

Section V. of the Compact of 1850
relates to the 14th Art. of the
U. S. Constitution.

Section VI. of the Compact of 1850
relates to the 15th Art. of the
U. S. Constitution.

Section VII. of the Compact of 1850
relates to the 16th Art. of the
U. S. Constitution.

General Reasons against the Paiment
of a Fifth Part, out of Sequestred
Livings, for Maintenance
of the outed Ministers
Wife and Children.

SECT. I.

Some Cautions and Distinctions premised before them.



While I speak against the paiment of a fifth part, in the general, my meaning is not to lay the blame of that heavy burden, upon all or the better part of the Members of that Parliament (by whose Authority it was ordained:) for though the King^a proposed, *That such Mini-*

*sters as were sequestred (for malignancy, and were not scandalous) might have a third part of the Livings out of which they were ejected; and the House of Peers (for relief of their disaffected Chaplains) meant them as liberal an allowance, as they could hope might passe in the House of Commons (which was a fifth part at the most) yet divers, and those very eminent men, for wisdom and godliness in that House, were (as I have been credibly informed) against all defalcation of any part of the Ministers means, who were to bear the whole burden of the Pastoral charge, and consented to that proportion rather as a Prohibition (as in case of usury) * That none should have any more*

^a Mr. Prime in his Speech in Parliament concerning the Kings concessions, p. 51, 52. Edit. 3.

^{*} This sense sincethis Treatise was finished I found in

the late Ordinance of his Highness the Lord Protector for the ejecting of scandalous, and ignorant, and insufficient Ministers and Schoolmasters, *p. 625. princip* then a fifth part, then as a Concession, that every one should have so much; and therefore the Committee for Plundered Ministers be *provisors*, (which the House of Lords never liked, consisting wholly of the Members of the House of Commons) often ordered against that allowance: and where they permitted it, they did it with much more moderation, and ease to the Incumbent Minister, than Countrey Committees used to do; where some leading men, were sometime so favourable to sequestred Ministers (probably out of some carnal or worldly Interest of their own) as to make their condition more comfortable, than theirs who succeeded them, which was much against the minds of the soundest Members of that Assembly.

2. Concerning the ejected Ministers (I conceive) there may be some such distinction made of them, as Dr Du Moulin maketh of the Popish Clergy in France, I know (saith he^b) that in this great body of the Clergy, there are a great number (though many also are of a quite contrary minde) on whose Spirits Nature hath more force than their habits, and the love of their Countrey more than the maxims of Italy. So I may say, there is great difference of those Ministers (whose lot hath been a like for outward losses) not only in their spirits and affections, but otherwise, for some of them are ignorant and erroneous in their judgements, irreligious and scandalous in their conversation, rash, proud, uncharitable and turbulent, in their spirits speech and behaviour: who both wish and watch for an opportunity to be fishing in troubled waters, and are every way such, that as it was a very ill deed to put them into the Ministry, so it was a very good one, to put them out again.

But there are others, who are Learned, Orthodox, Discreet, Humble, Charitable, who cordially desire the peace of their Countrey, and would not (if it were in their power) redeem themselves from private damage, with any publick calamity: their greatest fault being, their error in opinion, and affection too adverse to any form of Government, that is not hereditarily and absolutely Monarchical, and to any form of worship, but that of the Service-book.

For such as these (or if they be not altogether such without the abatement of some grain of just weight) I wish them rather

^b D. Du Moulin in his Defence of the Catholick faith in King James his Book, c. 6. p. 94, 95.

ther plentiful, then a competent Subsistence, rather five parts for their Portion, then a fifth only: which they might have (if the State have no Just Cause, to be jealous of their peaceableness or loyalty) by being admitted to other places: for as to the same, it is like our pious and prudent Superiours are most of them, of the late Earl of *Kent* his mind, who (as I have heard him say) was resolved (so far as he had to do, when he was one of the Lord Keepers of the Great Seal) that he would send them as far as the distance betwixt East and West, North and South, rather then place them in the Parishes from whence they were removed.

But for my self, I am so farre from hardning my heart against the grievances of any of my godly Brethren (who suffered any hard measure under pretence of Reformation, or Propagation of the Gospel) that I heartily wish the Declaration lately published under the Title of *Gemitus Ecclesie Cambro-Britannica*, may be seriously considered, and enquired into, and if the complaints therein be true, that due and seasonable redress may be applied unto them. And if the State had been pleased to allow any of them whom they have displaced, a competent maintenance, out of the Bishops, or Dean and Chapters Lands, to which (the Offices put down) no personal service is annexed, as Queen *Elizabeth* did, to Abbots and other Ecclesiastical persons, out of their confiscate Lands, and other Revenues, their charity towards them had been (as I conceive) not only lawful, but commendable, or had they made a rate for their charitable relief, (as for the Taxes or Impositions which are general all over the Land) I should willingly have borne my proportionable share, with those who are bound to charity, as well as my self, or had they put but one or a few Delinquents upon our whole Tribe to be maintained, as *Solomon* is supposed by some to have done, by ^d *Abiathar*,

^a *Combd. Annal. Eliz. lib. 2. pag. 56.*

^a He was not to live upon the Levites portion, but was confined to his own fields in *Anathoth*, his own (not in common with others, but) proper and personal, as his own Inheritance. So *M^r Gillespy* in his Book called *Aarons Rod Blossoming* in Appendix. added to the first Book, pag. 138. For though the Tribe of *Levi* had not a part of the Land of *Canaan*, separate or set apart by themselves (as the other Tribes had) yet upon extraordinary occasions it might and sometimes did fall out, that some might have peculiar Interest in particular Lands, not only since they lost the Land of *Canaan*, as *Joses* (named *Barnabas* a Levite had, and sold them, *Act. 4. 36, 37.* but before that time, as *Jeremy* (who was of the same Tribe, as *Dorothemus* writeth in his Book of the Prophets. added to *Euseb. Sarr.* and *Evagr. p. 527.*) who bought a field of *Hananiel* his Uncles son, *Jer. 32. 9.*

1 Kings 2.26. (though I conceive it is their mistake) I should not have thought it a just occasion of complaint.

But that it should not be imposed upon every one severally, to pay a fifth part of the Revenue belonging to his Pastoral Charge, I hope I may have leave to assert upon the Reasons ensuing.

SECT. II.

The first Reason, taken from the Necessity of Ministerial Service, in the Sequestred Benefice, and from the Parity of the Ministers Case with others, on whom no Payment of a fifth Part is imposed.

*removed
minister* **T**Hough they and their Abettors, account such as are placed in Sequestred Livings, Intruders into their Rights, they may hold themselves fairly and justly possessed of them; for when a place of Office, is made void, (whether it be Civil or Ecclesiastical) which necessarily requires an Incumbent upon it, to officiate, and the Party put out, is disabled to do any Ministerial Duty in it, it is lawfull for another to supply his place (especially in a Pastoral Charge) that Gods Sabbaths may solemnly be observed, and the people spiritually provided for (that their souls may be saved) which must be done, whether the Minister were injuriously ejected or not, and *Beneficium* belonging to *Officium*, the reward (the whole reward) is due for the whole work, to him that doth it.

But if the party be put out for criminal miscarriage as the Sequestration is more Just, so is the Entrance of another into his place, more justifiable: Especially, if he had no hand, either directly, or indirectly for his putting out: Upon this ground, such as have possessed Civil Offices, as the Keepers of the Great Seal, Judges, Recorders of Cities and Towns corporate, Heads of Colledges, Halls, Hospitals, in the Universities, and elsewhere, as also Military Officers (who possess the places of cashiered Commanders) have never been charged with payment of a fifth part, to their predecessours wives and children, though those

those that were put out, had as much need, and they that succeeded them, had as much means, to relieve them in their wants as Ministers have, and for the most part much more, and they may crave, and hope also to enjoy the same immunity with them, unless some colour of reason may be rendered to the contrary, which they cannot answer.

SECT. III.

The second Reason taken from the Preheminence of that Authority (which appointed us to be Incumbents) above that of private Patrons.

2. **T**He next consideration for Exemption from this Charge, is of the preheminence of that Authority, (which appointed the substituted Incumbent) above that of private Patrons: (which is the same by which settled and itinerant Justice is administered, mens lives and livelihoods disposed of, all matters of peace and warre ordered and managed (throughout three populous Nations) by whose power, the people are protected, for the safety of their persons and propriety of their Estates: and but for which (whatsoever is pretended for another Title) we might come under more calamity (by Anarchical and Democratical confusion) then by Monarchical or Oligarchical Tyranny. wch

Taking those who have such predominant power for our Patrons, we may (we hope) desire, deserve and expect as much privilege and protection, as the Clerks of private Patrons have enjoyed, who were never compelled to pay a fifth part, to those that have been put out upon the death of the oured Minister: though liable to no manner of Exception, either of Insufficiency, Negligence, Scandall, or Disaffection to the present Powers: and it should not be forgotten, and (being remembered) it may stop the mouths of such as are apt to clamour (if the fifth part be denied them) that Bishops (when the Church door keys hanged on their girdles) suspended *ab Officio & Beneficio*, divers of the most learned, godly and conscientious

non-Consentists of this Nation, merely for strapping a superstitious Ceremony, which themselves confessed (at the best) to be but a thing indifferent, and oft times absolutely deprived them of their Benefices, and instituted and inducted others into them: thereby cutting from them all hope of recovery, but allotting no portion at all, for supply either of them, or their wives and children. So that the Benefit came in entire to them, though they were admitted to their Benefices, but by the Right of particular Patrons: and should not the Parliaments Patronage, bring with it as great a privilege to their Chaplains, as that of private Patrons to the Clerks they present?

SECT. IV.

The third Reason taken from the manner of our Admission into the Pastoral Charges of the said Ministers compared with theirs.

3. **T**HAT our Condition should not be worse then theirs, we may (I speak sometimes in the Plural number, because my case is not singular, many being in the same condition, and I presume in these considerations consenting with me) I say, alledge the different manner of our Admissions to our respective places, and that in two particulars. 1. In the Trial and Examination of Ministers, before their Admission into their Incumbency, which was nothing so strict and exact in former time, as in the way prescribed by the Parliament. 2. In the freeness of their Patrons benevolence without any Exaction or Expectation of any profit, yea without any suspicion of Simony, either express or implicit, which was so familiar in former times betwixt Patrons and their Clerks; that there were few presented, whom secular gifts did not make more gracious in the eyes of their Patrons, then Spiritual: which if it were known, the Clerk was to be turned out of his Benefice, and the Patron to lose his next turn of presenting. In these respects our entrance being more fair and free from just Exception and Suspicion then theirs, I humbly conceive, we should enjoy

our

our places (at least) with as much freedom as they have done.

IV. T. 172

SECT. V.

The fourth Reason taken from the Aphorism of
our Saviour, The Labourer is worthy

of his hire, Luke 10. 7.

4. **W** Here our Saviour saith, The Labourer (not he that laboureth not) is worthy of his hire, Luk. 10. 7. he meaneth, That he that doth the whole work, should have the whole wages; and this is as just as that he that hath the whole wages, should do the whole work: Though the time hath been (before the Parliament called in the last Kings time) that many (in London especially) took the whole pay of Parsonage, and would do but half the duty of a Parson or Pastor, preaching (at most) in the forenoon of the Sabbath day, and putting the Parishioners to pay for the afternoons Sermon, upon another account: for they were faine to take it as a courtesie, that their Parson gave them leave to choose a Lecturer, and to pay him themselves, for the performance of that Service, which belonged to his Office in his own person (if he were able to undergo it) (for he was to use double diligence according to that of Solomon: In the morning sow thy seed, and in the evening let not thy hand rest: for thou knowest not whether shall prosper, that or that, or whether thy labors shall be alike good; Ecclesi. 6. 3. If not, and the Ministers were competent, he was to bear the charge of his assistants Service: but no body should be compelled to pay for him, or his, that assisteth not; that doth no Service in the Office, for which a Salary or Maintenance is assigned.

SECT.

SECT. VI.

The fifth Reason taken from a comparison of the condition of the Wife and Children, of the outed Minister, when he is alive, and when he is dead.

5. **I**F the outed Minister be justly put out, and another as justly put in by the Supream Authority (though most offenders will be rather querulous then quiet under the justest sentence, that is or can be passed upon them) it cannot but appear just, to allow the entire maintenance to the Incumbent Minister, as well while the Delinquent liveth, as when he is dead (in which case the fifth part is neither allotted by Authority, nor looked for by their widows or fatherless children) yea rather, while he is alive, then when the case is so far altered with him, as to be sequestred not only from his super-intendency over a particular Parish, but from all Society with the whole world, and that for two Reasons:

1. Because *more mi non mordent*, being dead they can do no more hurt, but while they live, their repining at the power, which took their Benefices from them, their envy at those who are put into possession of that they have forfeited, and their inordinate zeal for restitution of a contrary Authority, (whatsoever it cost either in blood or treasure) and the like degree of superstitious devotion to the Service-book, and corrupt customs, make them sometimes boldly and busily to bestir themselves, to cherish the like disaffection to the present State, and fond affection to the former in the people, and so to harden them against the Reformation both Ecclesiastical and Civil, as also to make those odious unto them, who in compliance thereto (out of conscience) officiate contrary to their affected forms, and prejudicating fancies: wherein some have done more disservice to the present Government (rambling about to make now proselytes, and to confirm old Malignants (which they do so much more busily, as they have the lesse to do, and the more boldly, as they have the lesse to lose)

lose) then they could have done, when their constant Ministry was confined to one place: for so their corrupt Doctrine was but as the poisoning of a Pond or Cistern, whereas now some of them take leisure and liberty to poison the chief fountains in the Land with superstitions, unsound, and (as far as they dare) seditious doctrine.

2. Because while they are living (though the wisdom of the Parliament hath thought it fit, to cut off all hope of restitution to the same Churches sequestred from them) they are not out of hope of maintenance (especially since the Engagement is laid aside) if they do not wilfully persist in their opposition to the State and Reformation proposed: for some of them * *Isoocrates*-like, by teaching of Schools, have thriven more (by what they have gotten and saved that way (living in a more private and lesse expensive manner) then when they possessed their Benefices, and bare the burdens incident unto them. Some again have gained more by preaching without them, then when they possessed them: And some I am sure have been put out of a small Benefice, and (upon taking the Engagement) have been put into a great one, so that they may say as † *Themistocles* to his sons, *My sons, we had been undone if we had not been undone.* So they, We had been impoverished in our small livings, if (for our opposition to the Parliament) we had not been put out of them, and by compliance with the Parliament, (whether sincerely or deceitfully they cannot tell) we had not been placed in such as are better.

* *Isoocrates* gained more silver by teaching of a School, then ever any professor did, so that he was able to defray the charge of a Galley at Sea. *Plus. Morals* in the lives of the 10 Orators, p. 924.

† *Plutarch* in the life of *Themistocles*, p. 131

SECT. VII.

The sixth Reason taken from the ill Use our Adversaries make of the Allowance of the fifth Part.

6. **T**He allotting of the fifth part of Ecclesiastical profits (as aforesaid) hardens many both against the Parliament, and against those whom they send to succeed the sequestred Ministers. for they take this fifth part as a rent, whereby their right

of re-entry is reserved to them, and so they and their complices have made account hitherto, that their Successours tenure holding what they have (as yet they have done) not for their own, but anothers life, a turn of providence (which they hope for, and will help forward all they can) will return them into their former estate, and so (after a Parenthesis of Sequestration is past) the whole sentence of restitution, and repossession, will settle them where they were, in a right of perpetuity, and this (believing the lying reports and predictions of their Newsmakers, their false prophets, as *Abab* did his) they expect will speedily be brought to pass.

SECT. VIII.

The seventh Reason taken from the Oppression of the Labouring Ministers, by payment of a fifth part, with Objections against them, and Answers for them.

7. **B**Ecause by the taking away of the fifth part from them, they are (in effect) put every fifth year to serve the Cure, without any wages, and if the fourth years fruitfulness were but doubled, as by the blessing of God every sixth year was trebled to the Jews, *Levit. 25. 21.* when the seventh was to rest, and so to bring forth none encrease: or that they might out of all the former years, not by scandalous nigardice, but by ingenious Providence, lay up a portion, which might make

as I call it an Egyptian Tribute, in regard of the proportion, the fifth part, which was paid to *Pharaoh* by his people, *Gen. 41. 34.* though otherwise contrary to that which many of us have cause to complain of, for the Egyptian fifth part was laid up, as provision for prevention of famine, to those that paid it: our payment of a fifth part is our present oppression, without the expectation of any good for hereafter.

a competent supply, for that annual diminution, they might be very well content with the one, or with patience and silence endure the other. But as the case is with them, by payment of publick impositions, rated by those who to spare themselves (and sometimes to spight us) aggravate our charge without either Mercy or Justice: by the tax of this Egyptian Tribute,

bute, by the open and wilfull defraudings of some of them, as if it were rather their right then any wrong to us to rob us of the tenth by many accidental expences which come upon divers of us, after the proportion of the common report of the value of our livings (exceedingly onerated sometimes of purpose, to advance the fifth part to the greater advantage of those that require it) wherein they expect no less liberality from us, then when all came in without such payments, and went out at the market upon farre more profitable prizes, then now they do, receipts and disbursements rightly reckoned together, the allowance will be little for the subsistence of the Ministers in service, and their Families; nothing at all to be saved to pay debts (contracted partly by precedent plunderings, partly by the charge of enforced removals, from place to place) which draw in damage at both ends *a termino a quo & ad quem*, (from the place whence they come, and whither they go) nor to raise any reasonable portions for their children, nor to make any competent provision for their wives, in case of widowhood, when they survive them. For mine own part (and I doubt not but there are others of my Brethren of my minde) though the R. of Br. (if duly payed and not unduly charged) would be as Beneficial as I would desire, yet as it is to me (with all the defalcations and burdens incident unto it) if my conscience could be discharged, from obligation to the Pastorall Charge of it, and would allow me to reap where I sowe not, I should be contented to give it up, and to be confined to a fifth part only: especially if I had D.H. his either present means, or future hopes.

If any object, That the Ordinance of Parliament alloweth a fifth part of the Sequestred Benefice to the outed Ministers, and if we like not to take upon us the Incumbency (upon these terms, we may give up the work and wages both, or rather (at the first) we should have refused to undertake the one, and to take the other.

Answer

First, That the Ordinance for ejecting of scandalous Ministers, would not have passed, in the House of Peers, without the allowance of a fifth part to their wives and chil-

Ans.

dren: and therefore there was at the first a kinde of necessity, to allot them such a portion, though otherwise many godly and worthy Members of the House of Commons were against it, as before hath been observed.

Secondly, Though some Countrey Committee men have (against all equity and ingenuity) urged the letter of the Ordinance, as if (like the Rule of *Ignatius Loiola*) ^b *To the Letter, to the Letter, without a Glosse, without a Glosse*, it were punctually to be observed in all cases, without Exception or Limitation. The Committee for Plundered Ministers at *Westminster*, have (by their usuall practice) expounded it otherwise, allowing sometimes no fifth part at all, and that they might very justly do, in divers cases: As

1. Where the Benefice will not bear it, and leave a competent Subsistence for the Incumbent.

2. Where the oured Minister hath means of Subsistence of his own, or by his wife.

3. Where the Father or Grandfather is rich enough to maintain the wife and children, in which case, the ⁱ Law layeth the charge upon them.

4. Where the Party put out continueth scandalous, and disaffected to the Government, and contumaciously opposeth the Reformation, either of Church or State: For it seems just and reasonable that he should thereby forfeit the fifth part, as well as the four parts before, for his former miscarriage. And for such as were scandalous, the * late King (though tender to his party) required none allowance, and sometimes they allowed lesse then a fifth part, as if the Delinquent had any means at all that was to be reckoned to make up a fifth part, as if the fifth part were 40^l, and he had 20^l of his own, he was to receive but another 20^l of the Incumbent Minister.

Thirdly, The Ministers acceptance of a Pastoral Charge, with the burden of payment of a fifth part, should be no prejudice, either to their suing or speeding for deliverance from it: because it was then imposed, when they were driven

^b *Ad litteram, ad litteram, sine glos.*
sa, sine glosa.
Reg. Societ. Jesu

ⁱ For this see
Mich. Doltons
Justice of
Peace, p. 84.
sine, and p. 85.
princip. printed
for the Com-
pany of Statio-
ners, an. 1619.

* See the quotation of Mr. *Prinne* at the beginning of the first Section.

ven from their own places, and plundered by the Malignant party, of all they had : in which extremity they were glad to take pains, upon any terms : he that hath nothing will not refuse to do service, though he have not so good pay for his pains, as *Micah* his Priest had, *Ten Shaksels of silver a year, a suit of apparel and Victuals*, Judg. 17. 10.

and thence it was that the House of Lords (at the first) made no scruple; to order that not a fifth part, or third only, but a ^k full half of the maintenance of a Preaching Minister, should be paid to him, who was not to preach, and as if this were too great a favour to be long enjoyed, it was to hold out but half a year.

But now their ^l Lordships have no such power (in favour of their Chaplains) to oppress the Ministers put into their places by the House of Commons (who now without them are reputed a compleat Parliament) they may both with good Conscience complain, and upon just reasons (such as have been given in this cause) expect, that that burden which at first was laid upon them, and taken up by them, by a double necessity (as hath been shewed) should not still be continued when it is in the power of their Patrons to relieve them.

But it is against Charity to deprive the offender of all his *Object.* means, and to leave his wife and children who offended not without any maintenance.

First, I grant it is so, and not in the case of Ministers only, *Ans.* but of others, who put out of Office, have no fifth part assigned them of theirs, out of the Offices they have lost, and not alone while they are living, but when they are dead, and then much rather, as hath been proved.

^k Witness the case of D. R. from whom the Rectory of F. in *Essex* was sequestred, and he was by Order of the House of Lords, to have half the profit of the Benefice, and M. I. now (or late) Minister at Br. but the other half, to serve the Cure, and this Sequestration to last but half a year, as a person of eminent place, parts, and integrity, told me not long agoe.

^l I mean not by anything I have said of the House of Lords, any diminution of dignity to those truly noble and worthy Patriots of that House, who have been faithfull and constant to the cause of the Commonwealth, against the boundlesse Prerogative of an absolute Monarchy : for upholding whereof thirty eight Barls and Lords revolted from the Parliament to the King, who are particularly named in *M. Mays* History of the Parliament of England, lib. 2. cap. 5. pag. 87. nor from these would I detract any honour due unto them, though I have no reason to like their resolution, in this particular.

Secondly, I hold that we are bound by the rule of Scripture, to give bread and drink to an hungry and thirsty enemy, *Proverbs* 25. 21. *Romans* 12. 20. but I take not this to be a meer ministeriall Duty, but a Christian Duty common with us, to all others of our Christian Profession, and therefore

Thirdly, I wish the case of all indigent persons may be taken into compassionate consideration, and such means ordered and ordained (for their relief) as is most just and reasonable: and it is most just and reasonable, that a common duty (as that charity is) should be exercised in such a proportion, as that it may not be oppressive to any particular person, as the payment of the fifth part is, even to those who are possessed of Benefices of good value, for as in part I have said before,

1. The Parishioners in most places make no conscience to pay them their dues, or to rob them of their portion, because they take them for intruders into other mens Rights.

2. They care not how heavily they load them in taxes to ease themselves.

3. The Ministers have not such ready means to require or recover their dues, as the Clerks of particular Patrons have formerly had.

4. Some of them are burdened, with providing for those who (according to the Law fore-mentioned) are put upon them for relief, to which adding the payment of a fifth part (with the relief of the poor, besides many extraordinary charges, no lesse then if they enjoyed the whole Benefice to themselves) *and* adde to all these the many harsh usages they meet withall, from their ill affected people, their condition becometh so displeasing to themselves, that they are as capable of pity with those that know it, as of envy with those that know it not.

Fourthly, For the particular way or means of extending Charity to such persons as for offence to the State have forfeited their places of imploiment, and benefit annexed thereto: I will not take upon me to give any directions, but if there were
a Com-

a Committee appointed to that purpose, and liberty given for others (as in some cases it hath been) to make proposals unto them, I doubt not but such an Expedient might be offered to their approbation, as might be more comfortable for Sequestred Ministers, and no ways grievous to any, as the payment of a fifth part is, to most on whom it is opposed.

mz of ad



Particular Reasons against the Payment of a fifth Part to D.E.H.

SECT. I.

Reasons against Doctor H. his claim of a fifth Part, in Particular of the Rect. of Br.

TO these Reasons against the payment of a fifth part in general, I shall annex some others in particular: which may evince, That though a fifth part might justly be assigned to some owed Minister, from some Minister Incumbent, yet not in our case; for neither is the Doctor such a man as is capable of it, nor am I in a condition to part with such a portion of my dues to his use.

1. For the first, That he is not capable of the fifth part in the intent of the Ordinance (as the regular practice of the Committee for Plundered Ministers at *Westminster* expounds it) I shall shew by two Reasons:

1. The one is that he needs it not.
2. The other is, That if he did, there are other ways for supply of his wants.

1. That he needs it not, I can prove it by double evidence.

1. From

1. From Himself.

2. From Others.

1. From Himself, he hath said divers times, *But for the Means he hath in Wiltshire the Parsonage of Br. would not have answered his Charge in the time of the Warres*; how much that addition amounted unto, I have not been informed; but secondly, That it is enough now for a competent Subsistence himself confessed, when (*March 24. 1649.*) he said, *That he should not need a fifth part above two years*, and to both these Testimonies of his, I can produce sufficient witness upon Oath (if he dare for conscience, or can for shame deny his own words) but I think he will not, because he did not, when I had mine evidence ready to produce against him, before the Committee at *R.*

Now since he is known to be so good an Husband, as not onely to know his own Estate, but how to manage it to his best advantage, and to speak as much for his own Interest, and to pursue it as eagerly as any man can do, that makes not mammon his God, none that knows him, will ever believe he would have said so much to the prejudice of his own profit, if it had not been true, and such a truth as he was familiarly acquainted withall, and whereof he might be convinced if he should say the contrary.

2. From Others: I was ready at *R.* upon the 19th of October, 1652. the day agreed upon by the Committee (our Judges) and the Doctor himself, and me (the parties) for the hearing of our differences, to produce my Witnesses for proof, that in *Wiltshire* he had Lands, let for the yearly value of about 80^l, and Woods upon them worth many hundreds. But he knows, who would not suffer them to give in their Evidence upon this pretence, That the Ordinance allots the fifth part without any exception, of other means or maintenance, more or lesse, though he were so assuredly informed, That he could not but believe it, that the Committee for Plundered Ministers at *Westminster*, did by their ordinary practice clear
the

the meaning of the Ordinance, to be for the allowance of a fifth part onely, where other means of necessary Subsistence was wanting: and that upon good reason, for if a man may have a good Estate of his own, and nevertheless, without any pains, may have a fifth part of his portion who bears the whole burden of Ministeriall duties, in the Church, of House-keeping and of Hospitality at home, and of all Taxes and Impositions for the Publique: the condition of many (both pains, means, and charge considered) will be better by putting out, then theirs who are put in to possesse their places, which surely cannot be according to the minde of the Parliament.

Besides, for the Doctors wife and children (she being an heretrix of a fair Estate, when her father dieth, who is a weak man, and well stricken in years, if he be yet alive) there is no fear of their want, though they have neither Right nor part in the Rectory of *Br.*

2. For the other Reasons, *That if he had no means of his own, he should be no sharer with him in wages, who doth all the work (when he doth none of it for which it is due.)* Besides the Arguments against the fifth part in general, already produced, it may reasonably be pleaded, in barre to his claim of the fifth part by particular application unto him, That

1. If he be not invincibly wilfull, against the Government which gives him Protection, he may no doubt have employment for his good parts, and a competent Salary, for the good service he may do, in the use and exercise of them.

2. If he will not be taken off, nor abate any whit of his rigid misconceits, and disaffection to the present Government, and to their publick proceedings, nor forbear to do them as much disservice, as he can and dare (upon all occasions in private and publique) they may think it a matter rather of favour, then of rigour, if he want to send him for supply to the known Laws of the Land (so much cried up by him and his party) and they will send

his wife and children, to the able Gentleman, her Father and their Grandfather, for in such a case it is thus ordered by Law, *The Father and Grand-father, Mother and Grand-mother, being of sufficient ability, shall relieve them, in such manner as the Justices of Peace, in that County where such sufficient Persons dwell, at their quarter Session, shall assesse.* Dols. Justice of Peace, printed for the Society of Stationers, an. 1619. p. 84, 85:

But he and his, if they were in want (being such as they are, with such an one as his Father in Law is) would finde mercy ready enough to receive them, without any order of Justice to procure their entertainment.

SECT. II.

Reasons why I should not pay a fifth Part to the Doctor.

NOW as by what hath been said it appeareth in respect of him, That it is not reasonable he should require a fifth Part of the Parish of *B.* So I shall now give Reasons (in respect of my self) which may conclude it as unreasonable that I should pay it.

1. Though I acknowledge with all thankfulnesse, the Parliaments benevolous intentions towards me, in designing me to officiate in such places, as promised me a very comfortable reward, for the work of my Ministry: yet such hath been my mishap (through others Malignity) that I have been a loser by them, and so little a gainer or savor by the exercise of my calling (for the best part of fourty years together) that upon a just occasion (though but an unjust surmize of my thriving by adherency to the Parliament) I made bold to tell some of the most eminent Commonwealths-men of this Nation: *That if they would make mine estate as good in Lands, as it was before I went to the University, or in money and goods, as good as before I had an Ecclesiastical benefit, I would serve the Church and State with my best abilities (according to my Conscience) for nothing as long*

long as I lived. Or if they would but put me into as good a condition as I was possessed of before I was driven to flee from all I had, because my Judgement and Conscience engaged me to be of the Parliament Party: I would give up all I had of their gift, without any desire of further Benefit from them. Which being true, I cannot but so farre confide in their wisdom and goodnesse, as to believe, they would not have taken a fifth Part from me, to gratifie such a Doctor that so little needed it.

2. I may be the more confident herein, because where I was last disposed of, and where for my Settlement, there passed an Ordinance of both Houses of Parliament (though it wanted a formality of accomplishment, by the great Division betwixt the Parliament, City and Army, which then happened) I was so great a sufferer in all kindes by those who hated the Right and Reformation of the Parliament, and me for their sakes, that if my Cause had been seasonably, thoroughly and truly represented unto them, I doubt not, but they would rather have awarded me reparations for wrongs, and damages sustained, then mulct me by diminution of my wages, for the work which lieth wholly on me, and nothing at all upon the Doctor to perform.

3. As it was my losing lot to part with the last Parsonage I had too soon (for it was a little before the harvest was ready for the Reaper) and so to be ^m both injuriously and barbarously driven from it, without any recompence either of my pains, or

^m At *Asst.* where upon the death of Dr. Dod the Sequestred Rectory, by pre-

rence of a Writ, *De vi laica amovendâ*, I was violently and illegally put out of possession by the under-Sheriffe, but upon complaint to the Committee for Plundered Ministers, restored within a fortnight after by an order coming from them, commanding the same under-Sheriffe to put mine Antagonist out, and to put me into possession again (and he did so) and to make his appearance before the Honourable Committee, to answer for his unwarrantable proceedings against me, but upon the request of the high-Sheriffe on his behalf, and because he pleaded the Obligation of his Oath to serve all Writs that came to his hands, I excused his appearance: how the Sheriffs great Fee prospered with him (for he was either liberally paid or promised for that illegall Act) I cannot tell, but sure I am, they for whom he did it prospered not, for he who was the pretended Presentee possessed not the Parsonage, and had so much trouble with it, as he told me when I left it, that he wished he had rather given 200^l then disturbed me in it, and he that was really intended and put in in my room, was afterward for scandal removed.

* Chamellion
solus animalium,
nec cibo, nec po-
tionalitur, nec alio
quàm aeris ali-
mento. Plin.
Nat. hist. l. 8. c.
33 p. 118.

charge upon it which was very great, by House-keeping, Impositions, and Quartering of souldiers; besides that I was forced to put off my stock of Cattel at a low rate, which cost me very dear: So was it my hard hap also, to come to Br. too late, when the Doctor had newly inned as his own, all the provision of the year past, and left nothing for me but ministerial duty, and * *Chamalion*-diet, untill the next Harvest.

4. The Committee at R. taking into their serious consideration, the necessary supply of him that should undertake the Pastoral Charge, made an Order, That the Doctor should enter^o into Bond (which he did accordingly) for paiment of an 100^l, for his maintenance, out of the profits of the year precedent, which amounted to more by a double advantage, both of

* August 14. 1649. on which day part of their Order was, And he is permitted to receive the Tithes, provided he give security to the Committee to pay 100^l to the next Minister in lieu thereof in case he be removed, which I have attested under the had of the Clerk of the Committee.

the value, and quantity of Corn, then had been known in one year, within the memory of man. But the Doctor got the Bond out of their hands again, by what means, whether direct or indirect, I determine not, but sure I am he is a 100^l the better by having it, and I a 100^l the worse by missing of that Summe: which should have fallen to my share, as his immediate Successour, and haply had done, if they that put him out, had put me in, but it is like it was displeasing to some Committee men at R. that they made a Blank at Br. and the Committee at Westminster filled it up: and yet I required not a forbearance of the fifth part, untill I had paid the Doctor 69^l.-12^s.-2^d (upon a very hard bargain) a double price to the just value of many of the things I bought, as some of better Judgement then my self, and of better conscience then he, made the estimation of them: and well nigh as much more under the Title of fifths, and thereby (by the ebbing of Tithes to me (which came in with full tide to him) and by the augmentation of my charges of several sorts) I found my self unable to pay him any more under the name of fifths.

Yet he complained to the Committee at R. that I had not conformed to their Order therein, when I had his Acquittances for receipt of a fifth part for the time past, and at that time he

he could claim no more untill the next Harvest, whereof having made due proof before the Committee, his Suggestion was found * a *falsehood*, and I was discharged from payment according to that proportion, which he had procured upon it to be rated and ratified by their Letter unto me.

5. And lastly, I am put to relieve and maintain those, whom the Law assigneth to me for Sustenance, under that Relation, which obligeth the Doctors Father in Law, to provide for his wife and children, if destitute of means: and this Charity of the Statute, is to take place, and be served before that of the Ordinance for a fifth part, if none other Objection could be made against it. [A part of this Plea put into the Committee at R. moved four or five to consent, to order the repeal of the former Order, for payment of the fifth part: but he refusing to joyn with his Colleagues (though men * of eminent Integrity and Godliness) for Reasons which I forbear (untill I have further cause to produce them) it was not so fully ratified, as it should have been in the Terms and Tenor following.

* By the Committee of Parliament for the County of B. sitting at R. the 15th June, 1652. This Committee being satisfied by M. John Ley Rector of Br. that Dr. H. did mis-inform them touching Mr. L. his non conformity to the Order for fifths, & the yearly value of the Parsonage. It is now thought fit that the value proposed in the letter of the 18 of April last, shall be no rule to apportion the fifths. And it is ordered, That the difference between M. L. and Dr. H. be heard before the Committee on the 20th of July next, at which time Dr. H. is to prove the value of the Parsonage by substantial Witnesses upon Oath, which are to be of the Parishioners.

W. W. Major of R.

W. S.

F. W.

G. W.

of

* M. Stroud.
M. Nuthins.
M. Webb.
M. Woodbridge.

By the Committee of Parliament, for the said County
sitting at Reading the 19th of October, 1652.

Berks. R.

FOR as much as this Committee, by an Order bearing date the 8th of March 1649. did assigne the fifth part of the profits of the Rectory of Br. Sequestred from Dr. E. H. for Scandal in life, and disaffection to the Parliament, towards the maintenance of his Wife and Children, to be paid unto her, by Mr John Ley Incumbent there (according to Ordinance of Parliament in that behalf.) Now we the said Committee, taking the usual practice of the Honourable Committee for Plundered Ministers,

baA.

D. 3

ministers,

nisters, both for interpretation and limitation of the said Ordinance, in such cases, as a warrantable pattern to follow, who make the Wife and Children incapable of the fifth part, where the sequestred person, hath a competent Estate, for their maintenance, and having now received testimony upon Oath, that the said Dr. H. hath a temporal Estate in Lands, in possession, in the County of *Wills* of the yearly value of 80^l, or thereabouts, and woods upon the said Lands, estimated to be worth many hundred pounds, and taking into consideration that about the time that Dr. H. was sequestred from the said Rectory, he entered into Bond to pay an 100^l to the next Incumbent, out of his last years profits towards his pains and charges to serve the Cure untill the next Harvest: and notwithstanding the said last years profits, was very advantageous to the said Doctor, both in the quantity and price of Corn, yet was the said Bond re-delivered to him, without any Satisfaction given to Mr. *Ley* the next Incumbent: As also Mr. *Ley*'s constant adherence to the Parliament, whereby he hath sustained great losses by plunderings, and great charges by his enforced removals from place to place farre distant, and his maintaining three Orphane Children, whose Parents were impoverished in the Parliaments service. We conceive it Just and Equitable, and do likewise order, that the said Mr. *John Ley*, be from hence forth discharged from farther payment of the said fifth part, or any part thereof to the said Dr. H. his Wife and Children.

Mr *Richard Whistler* of *Satwell*, and *Robert Hues* of *Brightwell* were ready to depose upon Oath (as they received information) to the value of Dr. *Hydes* temporal Estate, and the Order above-recited was agreed upon, but one of the Committee refused to sit and joyn with the other four that voted to take away the fifth part, which is certified, and (if required) shall be attested upon Oath by

Will. Carter Clark then
attending the said Committee.

And

And the same Seal shall I be ready to set to what I have said, (if I be called to it) so that an Oath may be (as the Apostle writeth to the Hebrews) *the end of all strife*, Heb 6. 16.

SECT. III.

The Doctors claim of my Promise to pay him a fifth part, Answered.

AND here I thought I had ended with the Doctor, for this difference about the fifth part: but while I was setting my papers in order for the Press (the day before I was to send them to London) I received a Letter from him, wherein he challengeth a second promise of me (for once he did the like before) for the payment of the fifth part of the Parsonage, after such a proportion as he could procure the whole to be let to, and paid by sufficient undertakers, which was farre more then ever I could make of it. Of these two promises he claimeith one (though not in this Letter) before the date of the Order of the 15th of June, 1652. forementioned in the Margine: The other since the Order Octob. 19, the same year, though within a while after, as about two or three hours of the same day.

For the former, the truth is upon his importunate pressing of me to let it (because he saw I was not worldly minded enough to make the best of it) I told him, if a competent number of the chief of the Parish would take it, and give good security for payment of the Summe to be agreed upon, I would farm it out to them, he promised to bring me such to Wall, by a day prefixed.

That day come, he brought with him to Wall: (the place appointed for our meeting) only two men, to take all the profits of the Rectory, and to undertake for the payment of what he agreed upon: against whom I took exception *joynly* and *severally*: *Joynly*, because both of them together, were not held of sufficient Estate (by such as knew both of them better then I did) to answer such a Summe as the Doctor had drawn them (by what artifices or secret security I know not) to engage for:

for

for the one of them had no Land at all, the other but about half a yard Land, and for their Estate in stock, that was very uncertain, and not visibly such as might be sufficient security, if they should put me to sue them for breach of Covenant with me: and against them both the principal Parishioners took exceptions, as men disposed to deal a great deal more strictly with them, by a more rigorous exacting of all Ecclesiastical Rights, then their Minister would use. And yet that year had they taken it they might have lost at least a 100^l, as they made the estimation, who were best acquainted with the constant revenue of the Rectory; and if it had so fallen out or somewhat near it (the truth whereof I was not able to discover) would they not have fallen from their Covenant? and have been clamorous against me, if I had put them in suit for the whole, when they had fallen so farre short of their expected profit? and might they not, having my goods in their hands, and I but their paper and wax in mine, have advantage enough to weary me out, if I took a legal course to recover my Right? And as these were *joynt* exceptions against them both, so there were some *several* or *peculiar* to each of them, for the *one* was not of the Parish (as I proposed, he consented, and both conditioned the Tenants should be) and besides he was too intimate a friend of the Doctors: The *other* not so well-affected to me, as my minde towards him, and the Parochial relation betwixt us required: for living in the Parish, and neer the Church, yet he constantly excommunicateth himself out of the compass of my Ministry (and hath done as well before that time as since) for what causes, and how he hath carried himself towards me otherwise, some do know, but God who best knoweth us both will one day judge.

The other promise of *Octob. 19.* was not as the former onely verbal, but written and testified by two witnesses, it was of this form,

Nineteenth of October, 1652.

IT is this day agreed by the mutual consent of M^r John Ley Rector of Br. and D^r E. H. from whom the same stands sequestred, that the Doctor shall take his fifth part (for the year 1652.) proportionably according to M^r Lays accompt: and that for

for the year to come, the Doctor shall have a fifth part after the Rate of—And he deducting and allowing a fifth part of all such charges and payments, as he allowed for the year past: provided that such and so many sufficient men become bound to Mr. *Ley* for the payment of the said Summe as he shall accept, and approve of.

Witness to this Agreement

Alex. Bl.

Will. Car.

To this neither his hand nor mine was subscribed, because he went out of *R.* before it was drawn up, and whether he would approve of it or no *in terminis*, I could not tell: and therefore I suspended my ratification of it, yet when we met we both agreed to it, though without Subscription on either part.

It was his part to begin to act, according to this agreement, and he maketh account he performed it, when he brought *M.D.* of *W.* to bid me a price for the Rectory, which was on Tuesday *Jun. 13. 1654.* for of that he saith, *He hath performed his part of the agreement in his Letter dated from Hart-Hall, Septemb. the 9. 1654. But*

Ans. He failed both

1. In the Summe. And

2. In the Security.

1. For the Summe, *M.D.* offered 20^l lesse then the written agreement. 2. He fell off from that he offered 40^l or 30^l at least: because I told I was engaged by promise, not to conclude with him (who was none of the Parish) before I had proposed his terms unto the Parish: wherein I was the more willing to keep my word, because they were very unwilling he should be my Tenant for the Tithe.

But the chiefeft of them (who appeared in the Business) confessing they could not pay so much, and so soon as he had undertaken, were content that I should proceed and conclude with him.

This I thought would please him well, and therefore (so soon as I parted with them) I went to *Wall.* to tell him of it,

he being not at home, I left the intelligence for him in a Letter, desiring him the next morning to come to me, that (the great rub removed (the Parishioners dislike of his Tenantship for the Tithes) we might finally conclude what was formerly proposed.

That day he came not, but on Thursday *June 15.* he came and told me, If I would abate him 30 or 40^s of what he had bidden me, he would take the Tithes of me, otherwise not: it was strange to me that he should now refuse the bargain, and think it worse by so much (when he might have it with peace) then when there was much displeasure and indignation taken at his motion.

2. For the Security (whatsoever Summe was agreed upon) he would give me but his own Bond, without a Surety, whereas by the written agreement, the Doctor was to bring such and so many sufficient men to be bound for the payment of the rent, as I should accept and approve of. This made many confident (which upon surmise I would not believe at the first) that the Gentleman (being the Doctors intimate friend) this Treaty with me, was but a design to raise the fifth part to an unequal growth, that it might be to the other four, as the thumb among the fingers: There were other suspicions taken up by some. That the Gentleman meant to take the Tithes and Glebe in his own Name, but after to turn over his Bargain to the Doctor, that he might by that means set him in possession of the Parsonage again. But he assured me he had no such meaning, and I meant to assure my self he should not do it if he would, resolving of an express condition to the contrary, with a considerable penalty if it were broken: and for my performance of promise, the Doctor himself hath (upon sufficient experience) said, he doubts not of keeping of my promise, but he was not pleased that I was with much difficulty drawn to make a promise, and even in his last Letter *Septemb. 6. 1654.* his words are these, *If you have not a minde to let your Living you may keep it, but withall I suppose you will have more minde to keep your Word: that you may do if you come to a less proportion with my consent, else you cannot.*

Why not? when the failing was on his part, not on mine, both

both for the Summe and Security, as hath been shewen, and may be more fully evidenced by M.D. his Letter of the 19. of June, as followeth,

S I R,

HAd you been pleased to have accepted of my offer which I made to you in presence of D. H. I should then have stood to it, and not have gone back: but in regard you did then refuse me, and have since treated with others, I shall intreat you, now to hold me excused, in my *non*-accepting their refusals: for I shall not deal now upon any terms: not else, but respective salutes, from

Wall. 19. Jun.
1654.

Your assured loving friend and servant
Fr.D.

I was willing enough to have accepted of this offer, but so as I might keep my promise with my Parishioners, which had but suspended our agreement for a few hours, had he been at home: for the same day, he made that offer before D.H. (with a strong temptation to break my word, for he told me, if I would then take him at his word, he would then pay me an 100^l before I went out of his house) I came to acquaint him with the Parish-es consens (at least the consent of the chief of them) for renting the Rectory unto him.

Now when neither the Doctor, nor he whom he propoundeth for a taker, come up to the Conditions of the Covenant betwixt us, Is it reason that I should be tied up alone to it? I doubt not but every wise and good man will (the premises considered) account me free from the precedent Engagements, and being free, it is time for me to give over, both promises and paiments to him, who hath had much more from me, and I much lesse from him, then (in equity and conscience) was due betwixt us.

F I N I S.